

2001 DRAFTING REQUEST**Bill**Received: **07/13/2001**Received By: **grantpr**Wanted: **As time permits**

Identical to LRB:

For: **Peggy Rosenzweig (608) 266-2512**By/Representing: **Connie Schulze**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Addl. Drafters: **grantpr**Subject: **Education - school boards**
Education - state superintendentExtra Copies: **MJL**Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Open enrollment program; eligibility, deadlines, waiting list

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 07/26/2001						S&L
/1	mlief 08/02/2001	wjackson 08/03/2001	pgrecons 08/06/2001		lrb_docadmin 08/06/2001	lrb_docadminS&L 08/30/2001	
/2	grantpr 09/05/2001	jdye 09/06/2001	kfollet 09/06/2001		lrb_docadmin 09/06/2001	lrb_docadmin 09/06/2001	

FE Sent For:

L At intro.

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/1	mlief 08/02/2001	wjackson 08/03/2001	pgreensl 08/06/2001		lrb_docadmin 08/06/2001	lrb_docadmin 08/30/2001	

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1?	grantpr 07/26/2001 mlief	1 wj 8/3	8/3 PG	5/8 PG 11			

FE Sent For:

<END>

P.O. Box 7882, Room 202, 1 East Main
Madison, WI 53707
PH: 608-266-2512/414-266-1788 FAX: 608-267-0367

Staff Director
Peter J. Rosenzweig

Fax

To: Peter Grant

From: Connie Schulze

Fax: 264-8522

Pages: 2, including cover

Phone:

Date: July 12, 2001

Re: drafting request

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Peter,

Here is the letter I mentioned on the telephone. Please use it as a guide for drafting the legislation related to open enrollment.

Sincerely,

Connie Schulze

Legislative Aide

Office of Sen. Rosenzweig

*Wauw***WAUWATOSA SCHOOL DISTRICT**

Community Relations • 12121 W. North Ave. • Wauwatosa, WI 53226
(414) 773-1020/773-1000 • FAX: 773-1020

June 13, 2001

State Senator Peggy Rosenzweig
PO Box 7882
136-S Capitol
Madison, WI 53707-7882

Dear Peggy:

As you know, Wauwatosa is an active participant in the state-sponsored Open Enrollment Program. We have both the largest number of applicants and the largest number of participants among Wisconsin school districts.

While we have embraced the program and next year will have more than 225 nonresident students enrolled under the open enrollment program, we would like to ask you to consider seeking legislative changes we feel would be beneficial:

- Drafted
Diff. help?*
1. Provide preferential treatment for the children of employees. This is part of the open enrollment legislation in a number of other states.
 2. Adjust the deadlines to correspond to those for Chapter 220, or vice versa.
 3. Allow districts to maintain a waiting list for open enrollment. This would enable all districts to serve the maximum number of families. Under current legislation, a student can apply to three districts. If accepted by all three, that student, in effect, prevents two other students from taking advantage of open enrollment.

We would be happy to work with you in whatever way possible to build support for such changes.

Sincerely,

Pat Luebke

Patricia Luebke
Director of Student Services

Mary Pat Pfeil

Mary Pat Pfeil
Director of Community Relations

C: Dr. Slotterback, Jim Weise

Letters/Rosenzweig-220.doc:sas

Grant, Peter

From: Schulze, Connie
Sent: Monday, July 23, 2001 1:36 PM
To: Grant, Peter
Subject: RE: following up on a bill request

Thanks. I will have our Tosa folks look at it.

-----Original Message-----

From: Grant, Peter
Sent: Monday, July 23, 2001 11:31 AM
To: Schulze, Connie
Cc: Lief, Madelon
Subject: RE: following up on a bill request

Dear Connie -

We've been quite busy with the budget, so I have not had a chance to begin drafting the Senator's request. When I received your email, however, I read the letter that you provided from Wauwatosa School District more carefully. There are three items in the letter. The first and third items are fairly straightforward, but the second item, relating to deadlines, may pose a problem. Neither the statutes nor the administrative rules specify deadlines for the 220 program, so changing them may be difficult. I suspect that the deadlines are MPS policies. Could you check with Wauwatosa? They probably know what the deadlines are and which ones they want changed. As soon as we figure out how to change the deadlines and which ones to change (and as soon as the budget is concluded), we'll be able to draft the Senator's proposal.

Peter

-----Original Message-----

From: Schulze, Connie
Sent: Monday, July 23, 2001 10:25 AM
To: Grant, Peter
Subject: following up on a bill request

Dear Peter,

I made a bill request on behalf of Sen. Rosenzweig on Friday the 13th related to Chap. 220. Do you expect that to be available for review soon?

Sincerely,
Connie Schulze
Office of Sen. Rosenzweig

Grant, Peter

From: Schulze, Connie
Sent: Thursday, July 26, 2001 8:01 AM
To: Grant, Peter
Subject: FW: FW: following up on a bill request

Can you look at this input I received from Wauwatosa regarding our bill request?

-----Original Message-----

From: Mary Pat Pfeil [mailto:pfeilma@wauwatosa.k12.wi.us]
Sent: Monday, July 23, 2001 3:13 PM
To: Connie.Schulze@legis.state.wi.us
Cc: Pat Luebke
Subject: Re: FW: following up on a bill request

Hi Connie:

Peter is correct: The Chapter 220 deadlines are set by MPS. Their timeline hasn't change dramatically in 25 years, and the Chapter 220 deadlines seem to coincide with their school selection process. It was our hope that the state could require that deadlines for the state-funded Chapter 220 program coincide with those for open enrollment. However, this is primarily an administrative convenience and is the least important of the three items we outlined for change. If you have any further questions, please give me a call. I will be out of the office Tuesday but back in on Wednesday.

Do you have any news RE the budget? We're, of course, concerned about the proposal to eliminate state aid for four-year-old kindergarten. While that may be a new program for many districts, it's a 50+-year tradition in Wauwatosa. And, of course, we continue to hope for some relief from the revenue caps or at least the negative impact of tertiary aid.

Hope your summer is going well.

Mary Pat Pfeil
Director of Community Relations
Wauwatosa School District
pfeilma@wauwatosa.k12.wi.us
(414) 773-1022



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3536/1

MJL & PG:.....

↑ V WJ

please
fix
spacing

2001 BILL

D - N

GEN

1 AN ACT ...; relating to: open enrollment in public schools and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

Under the open enrollment program, a pupil may attend any public school located outside of his or her school district of residence if the pupil's parent or guardian complies with certain procedure and meets certain application deadlines. School boards' acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space. Beginning on January 1, 2002, a school board may include in its count of occupied spaces pupils and siblings of pupils who are already attending school in the nonresident school district. In addition, if a nonresident school board received more applications than there are spaces available, the nonresident school board must determine on a random basis which pupils to accept, after giving preference to pupil and siblings of pupils who are already attending school in the nonresident school district.

This bill requires a school board also to give such preference to pupils whose parents or guardians are employees of the nonresident school district and allows a school board to include these pupils in its counts of occupied spaces. In addition, the bill allows a school board to create a waiting list for open enrollment.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

Inserts

#

SECTION 1. 118.51 (5) (d) of the statutes is created to read:

118.51 (5) (d) *Waiting list*. A nonresident school district may create a waiting list for pupils who wish to attend school in the nonresident school district under this section. The department shall promulgate rules to implement and administer this paragraph.

SECTION 2. Effective date.

(1) This act takes effect on January 1, 2002.

(END)

1 year of the original achievement guarantee contract for the grades specified for the
2 last school year of the contract.

3 **SECTION 2734.** 118.43 (6) (b) 7. of the statutes is amended to read:

4 118.43 (6) (b) 7. In the 2001-02 and 2002-03 school years, \$2,000 multiplied
5 by the number of low-income pupils enrolled in grades eligible for funding in each
6 school in the school district covered by contracts under sub. (3) (am) and by renewals
7 of contracts under sub. (2) (g). After making these payments, the department shall
8 pay school districts on behalf of schools that are covered by contracts under sub. (3)
9 (ar), an amount equal to \$2,000 multiplied by the number of low-income pupils
10 enrolled in grades eligible for funding in each school in the school district covered by
11 contracts under sub. (3) (ar).

12 **SECTION 2735.** 118.43 (6) (b) 8. of the statutes is amended to read:

13 118.43 (6) (b) 8. In the 2003-04 and 2004-05 school years, \$2,000 multiplied
14 by the number of low-income pupils enrolled in grades eligible for funding in each
15 school in the school district covered by contracts under sub. (3) (ar) and by renewals
16 of contracts under sub. (2) (g).

17 **SECTION 2736.** 118.51 (3) (a) 2. of the statutes is amended to read:

18 118.51 (3) (a) 2. A nonresident school board may not act on any application
19 received under subd. 1. until after the 3rd Friday following the first Monday in
20 February. If a nonresident school board receives more applications for a particular
21 grade or program than there are spaces available in the grade or program, the
22 nonresident school board shall determine which pupils to accept on a random basis,
23 after giving preference to pupils and to siblings of pupils who are already attending
24 public school in the nonresident school district / If a nonresident school board
25 determines that space is not otherwise available for open enrollment pupils in the

Scored text -> and to pupils whose parents or guardians are
employees of the nonresident school district

as affected by 2001 Wis. consin.
Act ---- (Senate Sub. 55 Amendment
to Senate
Bill 55)

plain
text

insert
text here

plain text

and
Ins A

grade or program to which an individual has applied, the school board may nevertheless accept an applicant who is already attending school in the nonresident school district or a sibling of the applicant.

or an applicant

whose parent or guardian is an employee

SECTION 2739. 118.51 (4) (a) 3. of the statutes is amended to read:

of the
nonresident

118.51 (4) (a) 3. A statement of the preference required under sub. (3) (a) School district

SECTION 2740. 118.51 (5) (a) (intro.) of the statutes is amended to read:

118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in ~~sub. (3) (a) 2.~~ the criteria for accepting and rejecting applications from nonresident pupils under sub. (3) (a) may include only the following:

as affected by 2001 Wisconsin Act
(Senate Substitute Amendment to
Senate Bill 55)

SECTION 2741. 118.51 (5) (a) 1. of the statutes is amended to read:

118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or grades within the nonresident school district, ~~including and~~ In determining the availability of space, the nonresident school board may consider criteria such as class size limits, pupil-teacher ratios, ~~pupils attending the school district for whom tuition is paid under s. 121.78 (1) (a),~~ or enrollment projections established by the nonresident school board and may include in its count of occupied spaces pupils attending the school district for whom tuition is paid under s. 121.78 (1) (a) ~~and~~ pupils and siblings of pupils who have applied under sub. (3) (a) and are already attending public school in the nonresident school district.

plain

Delete

scored comma

SECTION 2742. 118.51 (5) (c) of the statutes is repealed.

SECTION 2744. 118.52 (11) (b) of the statutes is amended to read:

118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending a course in a public school in a nonresident school district under this section may apply to the department for reimbursement of the costs incurred by the parent for

and pupils whose parents or guardians are employees of the nonresident school district

D-N

WLj

Connie:

¶ The deadlines for Chapter 220 are established
by resolution of the
by MPS board. Because we do not know
~~these~~
what these deadlines are or which ones

the Wauwatosa School District wishes to
use for adjusting open enrollment deadlines,
we were unable to adjust the deadlines.

MJL

&

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3536/1dn
MJL&PG:wlj:pg

August 3, 2001

Connie:

The deadlines for chapter 220 are established by resolution of the MPS board. Because we do not know what these deadlines are or which ones the Wauwatosa School District wishes to use for adjusting open enrollment deadlines, we were unable to adjust the deadlines.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

August 6, 2001

MEMORANDUM

To: Senator Rosenzweig

From: Madelon J. Lief, Legislative Attorney

Re: LRB-3536/1 Open enrollment program; eligibility, deadlines, waiting list

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7380 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3536/1

MJL&PG:wlj:pg

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2001 BILL

Regen

- 1 AN ACT *to amend* 118.51 (3) (a) 2. and 118.51 (5) (a) 1.; and *to create* 118.51 (5)
2 (d) of the statutes; **relating to:** open enrollment in public schools and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

Under the open enrollment program, a pupil may attend any public school located outside of his or her school district of residence if the pupil's parent or guardian complies with certain procedures and meets certain application deadlines. School boards' acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space. Beginning on January 1, 2002, a school board may include in its count of occupied spaces pupils and siblings of pupils who are already attending school in the nonresident school district. In addition, if a nonresident school board receives more applications than there are spaces available, the nonresident school board must determine on a random basis which pupils to accept, after giving preference to pupils and siblings of pupils who are already attending school in the nonresident school district.

This bill requires a school board also to give such preference to pupils whose parents or guardians are employees of the nonresident school district and allows a school board to include these pupils in its counts of occupied spaces. In addition, the bill allows a school board to create a waiting list for open enrollment.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.51 (3) (a) 2. of the statutes, as affected by 2001 Wisconsin Act

2 ~~Senate Bill 55~~, is amended to read:

3 118.51 (3) (a) 2. A nonresident school board may not act on any application
4 received under subd. 1. until after the 3rd Friday following the first Monday in
5 February. If a nonresident school board receives more applications for a particular
6 grade or program than there are spaces available in the grade or program, the
7 nonresident school board shall determine which pupils to accept on a random basis,
8 after giving preference to pupils and to siblings of pupils who are already attending
9 public school in the nonresident school district and to pupils whose parents or
10 guardians are employees of the nonresident school district. If a nonresident school
11 board determines that space is not otherwise available for open enrollment pupils in
12 the grade or program to which an individual has applied, the school board may
13 nevertheless accept an applicant who is already attending school in the nonresident
14 school district or a sibling of the applicant or an applicant whose parent or guardian
15 is an employee of the nonresident school district.

16 **SECTION 2.** 118.51 (5) (a) 1. of the statutes, as affected by 2001 Wisconsin Act

17 ~~Senate Bill 55~~, is amended to read:

18 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
19 grades within the nonresident school district. In determining the availability of
20 space, the nonresident school board may consider criteria such as class size limits,
21 pupil-teacher ratios, or enrollment projections established by the nonresident school

BILL

1 board and may include in its count of occupied spaces pupils attending the school
2 district for whom tuition is paid under s. 121.78 (1) (a) ~~and~~, pupils and siblings of
3 pupils who have applied under sub. (3) (a) and are already attending public school
4 in the nonresident school district, and pupils whose parents or guardians are
5 employees of the nonresident school district.

6 **SECTION 3.** 118.51 (5) (d) ^X of the statutes is created to read:

7 118.51 (5) (d) *Waiting list.* A nonresident school district may create a waiting
8 list for pupils who wish to attend school in the nonresident school district under this
9 section. The department shall promulgate rules to implement and administer this
10 paragraph.

11 **SECTION 4. Effective date.**

12 (1) This act takes effect on January 1, 2002.

13 (END)

on the day after
publication,
whichever is
later